

EXHIBIT 5



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October 3, 2023

VIA EMAIL (Parker@ParkerDK.com)

Andrew Parker
Parker Daniels Kibort LLC
888 Colwell Building
123 North Third Street
Minneapolis, MN 555401

Re: *Underlying Support and Documentation for Opening Expert Reports Served on September 22, 2023*

Counsel:

I write regarding production of the underlying facts and data for the Opening Expert Reports exchanged by the parties on September 22, 2023. Per Fed. R. Civ. P. 26(a)(2)(B), the underlying facts and data considered by the expert witness must be part of the expert's report. Given the fast-approaching October 20, 2023 deadline for rebuttal reports, we propose that the parties exchange all underlying facts and data by **Friday, October 6, 2023**. Specifically, we request that Defendants produce all documents and data considered or relied upon by Mr. Cotton, Mr. Enders, Mr. Kent, and Mr. Gorowsky in forming the opinions in their respective expert reports. **This includes but is not limited to all raw data referenced in footnotes and charts in the expert reports, and any spreadsheets or programs related to analyses performed of that data to support the opinions in the reports.**

By way of example only, Mr. Cotton refers to a “forensic[] exam[ination] [of] voting systems in Maricopa County Arizona, Antrim County Michigan, Mesa County Colorado, Coffee County Georgia, and Adams Township Michigan.” (Cotton Report ¶8). Plaintiffs are entitled to all of the underlying facts and data regarding these forensic inspections, including when they were performed, who was present, how they were performed, and all documentation from these inspections. Plaintiffs reserve their right to perform the same inspections, which must be made available by Defendants.

Take another example. Mr. Enders does not have any text references, footnotes, or endnotes citing any sources in his report. Source citations (i.e., underlying facts and data) are required under Fed. R. Civ. P. 26(a)(2)(B). Plaintiffs therefore expect Mr. Kent to provide all data spreadsheets and program inputs he used in creating the exhibits attached to his report by October 6, 2023.

Reciprocally, Plaintiffs will provide all underlying facts and data for the reports of Prof. Berger and Doug Bania by October 6, 2023. (There is no further data to provide for the reports of

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Prof. Keller, Tammy Patrick, and Dr. Sherman as those reports are self-contained). I look forward to your response.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

A handwritten signature in blue ink, appearing to read "M. Levine-Patton", is positioned below the firm name.

Maura Levine-Patton

MLP: